

_AO 187 (Rev. 7/87) Exhibit and Witness List

UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

THE STATE OF TEXAS

V.

U.S. DEPARTMENT OF HOMELAND SECURITY

Case Number: DR:23-CV-00055- AM

FILED

MAR 04 2024

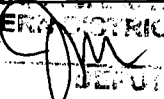
CLERK OF COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

EXHIBIT AND WITNESS LIST

PRESIDING JUDGE ALIA MOSES					PLAINTIFF'S ATTORNEY Ryan Walters, Munera Al-Fuhaid, Mary Kruger,	DEFENDANT'S ATTORNEY Christopher Eiswerth, Faith Lowry, Jean Lin
EVIDENTIARY HRG DATE (S) March 4, 2024					COURT REPORTER Vickie Garza	COURTROOM DEPUTY Debbie Green/Jeanette Mendoza
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
X		3/4/2024		3/4/2024	Michael Banks; Plaintiff's Witness	
PX		3/4/2024	1	3/4/2024	10/24/2023 Banks Declaration; Plaintiff's Exhibit	
PX		3/4/2024	2	3/4/2024	CBP Releases Dec 2023 Monthly Update; Plaintiff's Exhibit	
PX		3/4/2024	3	3/4/2024	Proclamation by Governor; Plaintiff's Exhibit	
PX		3/4/2024	4	3/4/2024	Shelby Park Map; Plaintiff's Exhibit	
PX		3/4/2024	5	3/4/2024	Video 1; Plaintiff's Exhibit	
PX		3/4/2024	6	3/4/2024	Video 2; Plaintiff's Exhibit	
PX		3/4/2024	7	3/4/2024	Video 3; Plaintiff's Exhibit	
PX		3/4/2024	8	3/4/2024	1/12/2024 Fletcher Declaration; Plaintiff's Exhibit	
PX		3/4/2024	9	3/4/2024	1/17/2024 Fletcher Declaration; Plaintiff's Exhibit	
PX		3/4/2024	10	3/4/2024	Shelby BP Boat Launch EML and Boat Launch Map; Plaintiff's Exhibit	
PX		3/4/2024	11	3/4/2024	1/17/2024 – TMD Weekly OLS inject Submissions; Plaintiff's Exhibit	
PX		3/4/2024	12	3/4/2024	4618 – Main; Plaintiff's Exhibit	
		3/4/2024	13	3/4/2024	4618 – 1 Time Stamp/Video; Plaintiff's Exhibit	
PX		3/4/2024	14	3/4/2024	4618 – 2; Plaintiff's Exhibit	
PX		3/4/2024	15	3/4/2024	4618 -3; Plaintiff's Exhibit	
PX		3/4/2024	16	3/4/2024	1/12/2024 Escalon Declaration; Plaintiff's Exhibit	
PX		3/4/2024	17	3/4/2024	1/17/2024 Sgt PAPG Declaration; Plaintiff's Exhibit	

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES
PX		3/4/2024	18	3/4/2024	1/17/2024 McKinney Declaration; Plaintiff's Exhibit
PX		3/4/2024	19	3/4/2024	1/12/2024 Danley Declaration; Plaintiff's Exhibit
PX		3/4/2024	20	3/4/2024	Connex; Plaintiff's Exhibit
PX		3/4/2024	21	3/4/2024	Scope Truck; Plaintiff's Exhibit
PX		3/4/2024	22	3/4/2024	Detention; Plaintiff's Exhibit
PX		3/4/2024	23	3/4/2024	The Pit; Plaintiff's Exhibit
PX		3/4/2024	24	3/4/2024	International Bridge; Plaintiff's Exhibit
PX		3/4/2024	25	3/4/2024	Shelby Park; Plaintiff's Exhibit
PX		3/4/2024	26	3/4/2024	Shelby Park Boat Ramp; Plaintiff's Exhibit
PX		3/4/2024	27	3/4/2024	Gold Course; Plaintiff's Exhibit
PX		3/4/2024	28	3/4/2024	Boat Ramp Parking; Plaintiff's Exhibit
PX		3/4/2024	29	3/4/2024	CBP Equipment; Plaintiff's Exhibit
PX		3/4/2024	30	3/4/2024	CBP Equipment Close Up; Plaintiff's Exhibit
PX		3/4/2024	31	3/4/2024	Second Supplemental Memorandum; Plaintiff's Exhibit
	X	3/4/2024	1	3/4/2024	2.5 Mile Map; Defendant's Exhibit
	X	3/4/2024	2	3/4/2024	Photo of Main Street Gate (Jan. 10, 2024); Defendant's Exhibit
	X	3/4/2024	3	3/4/2024	Photo of Staging Area (Jan. 10, 2024); Defendant's Exhibit
	X	3/4/2024	4	3/4/2024	Photo of Humvee in State Wall (Jan. 11, 2024); Defendant's Exhibit
	X	3/4/2024	5	3/4/2024	1.25 Mile Map; Defendant's Exhibit
	X	3/4/2024	6	3/4/2024	Photo of 17 Road Ground Level; Defendant's Exhibit
	X	3/4/2024	7	3/4/2024	Photo of 17 Road Aerial View (Feb.); Defendant's Exhibit
	X	3/4/2024	8	3/4/2024	Photo of RR Bridge Ground Level (Feb.); Defendant's Exhibit
	X	3/4/2024	9	3/4/2024	Photo of RR Bridge Aerial View (Feb.); Defendant's Exhibit
	X	3/4/2024	10	3/4/2024	Photo of Conex Boxes Aerial View (Feb.); Defendant's Exhibit
	X	3/4/2024	11	3/4/2024	Map of Blocked Access; Defendant's Exhibit
	X	3/4/2024	12	3/4/2024	Map 2 of Blocked Access; Defendant's Exhibit
	X	3/4/2024	13	3/4/2024	Photo of Rio Grande Entrance (Feb.); Defendant's Exhibit
	X	3/4/2024	14	3/4/2024	Photo of Main Street Entrance (Feb.); Defendant's Exhibit

	X	3/4/2024	15	3/4/2024	Video clips of BP marine unit rescue; Defendant's Exhibit
	X	3/4/2024	16	3/4/2024	Video of Texas personnel Cutting the wire to allow migrant entry; Defendant's Exhibit
	X	3/4/2024	17	3/4/2024	Nov. 29 Email Chain, CBPTEX2355-0006833 Redacted; Defendant's Exhibit
	X	3/4/2024	18	3/4/2024	Migrant Groups Diverted due to State of Texas Restricting Access to Border Zones, CBPTEX2355-004681- Redacted; Defendant's Exhibit
	X	3/4/2024	19	3/4/2024	Mass Migration Staging Locations (Dec. 15, 2023), CBPTEX2355-0016312 Redacted; Defendant's Exhibit
	X	3/4/2024	20	3/4/2024	Jan. 12 Email, CBPTEX2355-0016337 Redacted; Defendant's Exhibit
	X	3/4/2024	21	3/4/2024	Jan. 13 Email Chain, CBPTEX2355-0015321 Redacted; Defendant's Exhibit
	X	3/4/2024	22	3/4/2024	Jan. 14 Email Chain, CBPTEX2355-007472 Redacted; Defendant's Exhibit
	X	3/4/2024	23	3/4/2024	Jan. 14 Email Chain, CBPTEX2355-0016572 Redacted; Defendant's Exhibit
	X	3/4/2024	24	3/4/2024	FY Southwest Land Border Encounters by Month for FY 2023 and 2024; Defendant's Exhibit
	X	3/4/2024	25	3/4/2024	Video of Texas personnel handing child back over the wire; Defendant's Exhibit
X		3/4/2024			Col. Christopher Fletcher; Plaintiff's Witness
X		3/4/2024			Sgt. Prince Anoj Pujitha Gunawardana; Plaintiff's Witness
X		3/4/2024			SSG Lindsey McKinney; Plaintiff's Witness
X		3/4/2024			Robert Danley (CBP); Plaintiff's Witness
	X	3/5/2024	26	3/5/2024	Email dated January 10, 2024; Defendant's Exhibit
	X	3/5/2024			David BeMiller, Defendant's Witness
PX		3/5/2024	32		Declaration of David S. BeMiller, Plaintiff's Exhibit
PX		3/5/2024	33	3/5/2024	Letter from Jonathan Meyer; Plaintiff's Exhibit
PX		3/5/2024	34	3/5/2024	Final Judgment DR08CV003; Plaintiff's Exhibit
PX		3/5/2024	35	3/5/2024	Letter from Ken Paxton 1/14/24; Plaintiff's Exhibit
PX		3/5/2024	36	3/5/2024	Letter from Jonathan Meyer 1/22/24; Plaintiff's Exhibit
PX		3/5/2024	37	3/5/2024	Letter from Ken Paxton 1/26/24; Plaintiff's Exhibit
PX		3/5/2024	38	3/5/2024	Doc#205318 (Notice of Confidentiality Rights) Easement The State of Texas; Plaintiff's Exhibit
PX		3/5/2024	39	3/5/2024	Map Eagle Pass Real Estates Acquisition Tracts; Plaintiff's Exhibit
	X	3/5/2024	27	3/5/2024	Final Judgment DR08CV003-AM; Defendant's Exhibit
	X	3/5/2024	28	3/5/2024	Amendment to Consolidated Declarations of Taking DR08CV003-AM; Defendant's Exhibit
	X	3/5/2024	29	3/5/2024	Land Title Surveys Eagle Pass; Defendant's Exhibit
	X	3/5/2024		3/5/2024	Michael Garcia; Defendant's Witness
	X	3/5/2024			Chief Donaldson; Defendant's Witness